

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AFFIDAVIT OF COUNSEL IN SUPPORT OF
MOTION FOR A CONTINUANCE

I, Eduardo Masferrer, do hereby depose and say that the following is true to the best of my knowledge, understanding and belief:

1. I am an attorney and have been appointed to represent the Defendant Kirk Rinaldi
2. The case was scheduled for a Status Hearing on November 16th, 2007 at 3:00pm.
3. Counsel states that he is on trial in Lawrence Superior Court (*Commonwealth v. Julio Rodriguez, Docket No. ESCR2005-0950*).
4. Counsel would state that he informed Essex Superior Court that he was scheduled to be in Federal Court at this time. Although Counsel informed the Court of this conflict, the Court suggested that Counsel seek a continuance.
5. Counsel has left a message with AUSA Lang regarding the above situation, but has not yet heard back from him.

/"Eduardo Masferrer"/

Eduardo Masferrer